

From: iand and wei
To: Microsoft ATR
Date: 1/25/02 3:59pm
Subject: Microsoft Settlement.

Dear Department of Justice:

Under the Tunney Act, I would like to comment on the proposed final judgement in the United States v. Microsoft case.

As a concerned citizen who has some experience using computers running operating systems from Microsoft and other organizations I am concerned that the proposed final judgement does not protect consumers and companies competing with Microsoft.

I use Microsoft operating systems where I work. A few weeks ago my computer suddenly started shutting down improperly, and I called our help desk to ask if they could fix the problem. I was told that the problem was a well known defect in Windows 98, and that Microsoft had no intention of fixing it. This is just a small illustration of the way Microsofts monopoly affects consumers. If there was a true marketplace with competition, Microsoft would have had to fix the problem long ago.

Unfortunately the proposed settlement does precious little to try to develop a competitive marketplace. It proposes to open Microsofts APIs, but the language is so weak as to make it useless in promoting competition. In fact, the only competition for Microsofts APIs, the open source WINE project, is excluded from the API disclosure in Section III.J.2 of the proposed final judgement, because the WINE project is not a business (all business competition having been extinguished long ago by Microsofts business practices).

The major reason people and businesses run Microsoft operating systems is because they need to run the applications that run on those systems. A successful reimplementatation of Microsofts APIs, could go a long way to restoring competition in the marketplace. I hope that any final judgement in this case will restore competition.

I fear if this proposed settlement is made final it will cause irreparable harm to the U.S. consumer, to the U.S. software industry, and possibly to the country as a whole.

Sincerely,

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